

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CECILIA ORTIZ  
ROSA MARTINEZ  
PETE CRESPO, and  
HECTOR SIERRA,

Plaintiffs,

v.

DELAWARE RIVER PORT AUTHORITY,  
ANTHONY LUKOSIUS  
JOHN DAMICO  
KRISTA STELLA  
JANE DOE  
CITY OF PHILADELPHIA  
SERGEANT SPRIGGS  
NORTH BAR AND LOUNGE  
BADCO RLS, LLC  
LISA KENNARD, and  
RICHARD DONATO

Defendants.

CIVIL ACTION

NO. 09-06062

**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of April, 2010, upon consideration of Plaintiffs' Motion to Remand (Docket No. 2) and supporting Briefs (Docket Nos. 26, 31), as well as Defendant Delaware River Port Authority's Responses in Opposition (Docket Nos. 21, 32), it is hereby

**ORDERED** that Plaintiffs' Motion is **DENIED**.<sup>1</sup>

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<sup>1</sup> This Order, in part, is based upon the Court's determination that Plaintiffs' attempted service of Defendant Richard Donato was ineffective, and thus, Donato has yet to have been served in this case. Federal Rule of Civil Procedure 4(m) provides, in relevant part, that "[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." FED. R. CIV. P. 4(m).

It is so **ORDERED**.

BY THE COURT:

*s/Ronald L. Buckwalter*

RONALD L. BUCKWALTER, S.J.

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Accordingly, this Order serves as notice to Plaintiffs that failure to properly serve Defendant Richard Donato within thirty days from the date of this Order will result in dismissal of the Complaint against him without prejudice.